

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEBRASKA

3
4 UNITED STATES OF AMERICA,) 4:17CR3143
5)
6 Plaintiff,)
7) Lincoln, Nebraska
8 vs.) May 8, 2018
9) 9:02 a.m.
10 BAILEY MARIE BOSWELL,)
11)
12 Defendant.)

13
14 TRANSCRIPT OF CHANGE OF PLEA PROCEEDINGS

15 BEFORE THE HONORABLE CHERYL R. ZWART

16 UNITED STATES MAGISTRATE JUDGE

17 APPEARANCES:

18 For the Plaintiff: Mr. Steven A. Russell
19 Ms. Lesley Woods
20 U.S. ATTORNEY'S OFFICE-LINCOLN
21 100 Centennial Mall North
22 Suite 487, Federal Building
23 Lincoln, Nebraska 68508

24 For the Defendant: Ms. Jessica L. Milburn
25 FEDERAL PUBLIC DEFENDER'S
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Proceedings transcribed from audiotape, transcript produced
with computer.

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GOVERNMENT'S WITNESSES:

None

DEFENDANT'S WITNESSES:

None

EXHIBITS:

OFFERED RULED

None

PAGE

FINDINGS OF THE COURT..... 23

CERTIFICATE OF TRANSCRIBER..... 23

1 (On May 8, 2018, at 9:02 a.m., the following proceedings were
2 held:)

3 THE COURT: We're on the record in Case No.
4 4:17CR3143, United States of America versus Bailey Marie
5 Boswell. Counsel, please enter your appearance.

6 MR. RUSSELL: Your Honor, please enter the appearance
7 of Steven Russell and Lesley Woods on behalf of the United
8 States.

9 MS. MILBURN: And Jessica Milburn appearing with Ms.
10 Boswell.

11 THE COURT: Ms. Boswell, you are here today because
12 I've been told that you want to enter a plea of guilty; is that
13 true?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: I need to explain to you that I am not
16 your sentencing judge and I'm not the judge who will determine
17 whether this guilty plea is accepted and whether your plea
18 agreement is accepted. Those matters will be taken up by Judge
19 Gerrard who is your sentencing judge. But what I can do for
20 you today is gather some information from you and make a
21 recommendation to Judge Gerrard on those issues. Do you agree
22 to proceed before me?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Please raise your right hand.

25 BAILEY MARIE BOSWELL, DEFENDANT, SWORN

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: You're now under oath. You've sworn to
3 tell the truth which means if you lie during this proceeding
4 you can be separately prosecuted for the crime of perjury. Do
5 you understand that?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: At this time I'm going to have the
8 government explain to you the charge to which you intend to
9 plead guilty and the possible penalty for that charge.

10 Mr. Russell.

11 MR. RUSSELL: Ms. Boswell, you're charged in Count X
12 of the superseding indictment with a violation of Title 18,
13 United States Code Section 2314, which is essentially
14 interstate transportation of stolen property or property taken
15 by fraud.

16 The maximum penalty if you're found guilty of that charge
17 is up to 10 years in prison, a fine of up to \$250,000, or both
18 such fine and imprisonment, a term of supervised release of up
19 to three years following any period of incarceration, and a
20 \$100 special assessment. Ma'am, do you understand the nature
21 of the crime charged and the maximum possible penalties?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Having heard the crime charged and the
24 possible penalty is it still your intent to plead guilty?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: I have in front of me a petition to enter
2 a plea of guilty and a plea agreement. Do you have those
3 documents in front of you?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: They appear to have been signed by you on
6 May 4th; is that right?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: When you went over these documents was
9 your attorney with you?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Going to the petition -- the document with
12 all those questions and answers in it -- did you read the
13 questions?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Did your attorney explain the questions to
16 you?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Did you answer the questions out loud?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Were the answers you stated out loud the
21 truth?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Did your attorney write down your answers?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Did she write them down correctly?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: And after going through the document did
3 you sign it?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Going to the plea agreement, did you read
6 the plea agreement?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Did your attorney explain the plea
9 agreement to you?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Were there any questions about the plea
12 agreement that she was unable to answer?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: And after going through the plea agreement
15 did you sign it?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: On the 4th of May when you went over these
18 documents were you under the influence of drugs or alcohol or
19 anything that would impair your thinking?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: Are you under the influence of anything
22 today?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Has anybody threatened you in any way to
25 get you to plead guilty?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: Has anybody promised you anything other
3 than the promises in the plea agreement itself to get you to
4 plead guilty?

5 THE DEFENDANT: No, ma'am.

6 THE COURT: Do you understand that if the Court accepts
7 your plea of guilty you will be found guilty of a felony?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you understand you have the right to
10 plead not guilty and make the government try to prove this case
11 at trial?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Do you understand you are giving up your
14 trial rights by pleading guilty?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: You've been represented in this case by
17 Ms. Milburn; is that correct?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Do you believe that she has investigated
20 this case sufficiently so that you know what to do today?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Are you satisfied with her representation?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you understand that if you chose to go
25 to trial you would have the right to counsel representation at

1 the trial at no cost to you?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: As that applies to you, Ms. Milburn would
4 be with you at that trial, she would represent your interests
5 and she would never send you a bill for that service. Do you
6 understand that?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Do you understand that if you chose to go
9 to trial you would have a jury trial?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Do you understand that at that trial you
12 would have the right to see and hear any witnesses who testify
13 against you and have them cross-examined on your behalf?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Do you understand you would have the right
16 to call witnesses for you and if they would not come
17 voluntarily you could get a court order called a subpoena to
18 make them come and testify?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you understand that if you chose to go
21 to trial you could testify yourself if you wanted to or you
22 could exercise your right to remain silent?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: And do you understand that if you remain
25 silent at the trial the jury would not be allowed to consider

1 that silence in deciding whether you are guilty?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And finally, do you understand that if you
4 chose to go to trial the government would not get a conviction
5 against you unless it was able to prove to every single juror
6 that you were guilty beyond a reasonable doubt?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Are you willing to give up all of those
9 trial rights and plead guilty in this case instead?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: With a guilty plea you will have a felony
12 record, and with that felony record comes a loss of civil
13 rights. Those rights include the right to vote, the right to
14 serve in a jury, the right to hold a public office, the right
15 to carry a weapon. You can also lose federal benefits. But
16 you will lose rights. Do you understand that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: And knowing that you will lose civil
19 rights are you willing to plead guilty?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: You're looking at a sentence in this case
22 under the statutes of up to 10 years in prison, a possible fine
23 of up to \$250,000 could be imposed in addition to any term of
24 imprisonment, three years -- up to three years of supervised
25 release, and a \$100 mandatory special assessment. Is that your

1 understanding of what you're facing?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Has Ms. Milburn explained the sentencing
4 guidelines to you?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Has she explained that those guidelines
7 provide the starting point that Judge Gerrard will look at in
8 determining what your sentence ought to be?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Do you understand that Judge Gerrard is
11 going to consider all of your relevant conduct in determining
12 your sentence?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: For example, he's going to consider such
15 things as how much money was involved; the facts underlying any
16 counts that the government intends to dismiss at the time of
17 sentencing; your criminal history and the extent of that
18 history. Those types of things. Do you understand that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And once Judge Gerrard determines all of
21 his findings and makes those findings, do you understand he can
22 sentence you within the guidelines you've talked about with Ms.
23 Milburn but he doesn't have to, he can --

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Do you understand he can go either above

1 or below those guidelines based upon his determinations?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Then once Judge Gerrard determines how
4 much time you will spend in prison, do you understand you will
5 be required to serve all of that time and the most you can get
6 off of that sentence is 54 days per year for good time served
7 and that's only if you can earn that good time while you're in
8 prison? Do you understand that?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Now, after you've served your prison
11 sentence you may be placed on supervised release for up to
12 three years, and I want to make sure you understand what that
13 means. At the time of sentencing Judge Gerrard is going to
14 include a list of rules that you have to follow after you get
15 out of jail. Those rules are called conditions of release. Do
16 you understand that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you understand that if you violate
19 those rules you can be brought back to court and sent back to
20 jail?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: And do you understand that if you violate
23 those rules by committing another crime, your penalty or
24 sentence on that separate crime could be greater than it
25 otherwise would've been merely because you were still serving

1 the sentence in this case when you committed the next crime?
2 Do you understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: You will be required to pay a \$100
5 mandatory special assessment. Were you aware of that?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: In cases such as this the government may
8 at the time of sentencing present evidence to Judge Gerrard to
9 explain the harm that you caused by your criminal conduct.
10 That is called restitution. Do you understand that?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: In other words, if you've caused harm to
13 other people by your criminal conduct, you can be required to
14 pay for that harm. Do you understand?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And do you understand that at the time of
17 sentencing it is likely that the government will present
18 evidence of the extent of harm you've caused and ask the Court
19 to impose that as an additional term of your sentence? In
20 other words, that you repay that. Do you understand?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: You have a plea agreement with the
23 government which outlines your agreement regarding what should
24 happen at the time of sentencing. Do you understand that this
25 agreement is between you and the government? It is not

1 necessarily binding on Judge Gerrard.

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: At this time I'm going to have Mr. Russell
4 explain the terms of this plea agreement to you. I want you to
5 listen as he does that. I will ask you questions about what he
6 says.

7 Mr. Russell.

8 MR. RUSSELL: Your Honor, the plea agreement in this
9 matter is that the defendant would plead guilty to Count X of
10 the superseding indictment. In exchange for that plea of
11 guilty the United States would move to dismiss the remaining
12 counts of the superseding indictment at the time of sentencing.

13 The nature of the offense, the elements contained in the
14 offense, a factual basis, and the penalties are set forth in
15 the plea agreement; in addition to the fact that this agreement
16 is limited to the United States Attorney's Office for the
17 District of Nebraska and cannot bind any other federal, state
18 or local prosecuting, administrative or regulatory authority.

19 There is a non-binding recommended -- or at least
20 recommendations related to the sentencing guidelines contained
21 in the plea agreement calling for a base offense level of six.
22 The parties agree that the defendant should be held responsible
23 for a -- beyond a reasonable doubt for a loss of \$200,192
24 reflecting her involvement in the -- in the case, which
25 increases her base offense level by ten levels, and that she

1 should also receive an increase of two levels under two
2 separate sections of the sentencing guidelines for a total of
3 four levels.

4 Restitution is also ordered in the -- or will be ordered in
5 the plea agreement and is set forth in the plea agreement for
6 the victims designated in the plea agreement.

7 With respect to departures, the defendant may request or
8 recommend additional downward departures or variances either
9 under the sentencing guidelines or under 18 U.S.C. Section
10 3553. The government may oppose such recommendations. And,
11 again, there is -- as the Court has already indicated there is
12 no limit as to the Court's authority to impose a sentence.

13 The defendant does agree to waive appeal and collateral
14 attack. There is a provision in the plea agreement related to
15 that which limits the defendant's rights in those two areas.

16 The defendant also agrees to waive her right to withdraw
17 her plea of guilty pursuant to Rule 11(d) of the Federal Rules
18 of Criminal Procedure. She may only withdraw her plea of
19 guilty in the event the Court rejects the plea agreement.

20 Your Honor, I believe those are the main points of the plea
21 agreement.

22 THE COURT: Ms. Milburn, does that fairly summarize
23 the plea agreement?

24 MS. MILBURN: It does, Your Honor.

25 THE COURT: Ms. Boswell, did you listen as Mr. Russell

1 described the plea agreement?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Does his description match your
4 understanding of your agreement with the government?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Under the terms of this plea agreement
7 you're agreeing that you should be held responsible beyond a
8 reasonable doubt for a loss of \$200,192. Did you agree to that?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Are you responsible for that loss?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: The plea agreement also includes a waiver
13 of appeal and collateral attack. I need to make sure you know
14 what you're giving up here. Everything that's done by this
15 court is subject to being looked at by another court to make
16 sure it was done right. The process is called an appeal. And
17 the court that looks at it is the Eighth Circuit Court of
18 Appeals. Do you understand?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you understand that under the terms of
21 this plea agreement you're giving up your right to that appeal
22 unless you are claiming that Ms. Milburn provided you with
23 ineffective assistance of counsel?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Collateral attack is different than an

1 appeal. With a collateral attack you can challenge your
2 conviction and your sentence by claiming your constitutional
3 rights were violated. Do you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Do you understand that under the terms of
6 this plea agreement you're giving up your right to that type of
7 proceeding as well, unless you are claiming that Ms. Milburn
8 provided you with ineffective assistance of counsel or you are
9 claiming that what you're admitting to here today is not a
10 crime? Do you understand?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Do you understand that your waiver of
13 appeal and your waiver of collateral attack applies both to
14 your conviction and to the sentence you've not yet received?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Have you talked to Ms. Milburn about your
17 appeal rights and collateral attack rights?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: After having those discussions and
20 considering your options have you decided to give up your right
21 to appeal and your right to collateral attack with the
22 exceptions listed in the plea agreement?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Has anybody made any promises to you that
25 are not in this plea agreement?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: Do you understand that whether you plead
3 guilty or whether you're found guilty at trial you could get
4 the same sentence?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Putting it another way, do you understand
7 there is no guarantee your sentence will be less because you
8 pled guilty instead of being found guilty by a jury?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: At this time then I'm going to have Mr.
11 Russell explain the factual basis for your plea. In other
12 words, the key facts the government would present at trial if
13 this case went to trial. Please listen while he does that.

14 MR. RUSSELL: Your Honor, from on or about December
15 3rd, 2015, to on or about November 7th, 2017, the defendant,
16 along with Aubrey Trail, devised or participated in the
17 devising of a scheme to defraud and obtain money by means of
18 materially false and fraudulent pretenses, representations, and
19 promises, from persons that have been identified in the
20 indictment as M.E. and B.E.

21 The essence of the scheme to defraud is that Mr. --
22 beginning in 2015, Mr. Trail represented himself as Alan
23 Russell with a proposal to jointly purchase a gold coin and
24 share in the profits of the sale and approached M.E. and B.E.
25 with that -- with that proposition.

1 He falsely represented the value of the coin to be far in
2 excess paid by Russell. He then attempted to facilitate the
3 sale of the coin through this entire period of the scheme and
4 asked for money from the victims in order to facilitate that
5 sale.

6 Beginning in February of 2017 the defendant became involved
7 in the scheme that Mr. Trail had started with the -- with the
8 victims. The defendant set up false documents and websites to
9 convey the appearance of a legitimate transaction. She either
10 contacted or had other persons contact the victims in order to
11 represent themselves as purported brokers for the sale of the
12 coin, and in order to falsely convey that the coin was a
13 legitimate transaction and that the sale was going to take
14 place.

15 In truth and fact, the defendant and Mr. Trail knew that
16 that was not the case and that the -- the money was being
17 used -- the money being used by the victims was being used for
18 the defendant's personal use and Mr. Trail's personal use.

19 With respect to Count X of the indictment, as part of the
20 scheme on October 20th of 2017, the defendant and Mr. Trail
21 caused and induced the victims, M.E. and/or B.E., to travel
22 from Kansas to Beatrice, Nebraska for the purpose of providing
23 currency to -- in this case to Mr. Trail and the defendant.
24 The defendant met with M.E. at a Walmart parking lot in
25 Beatrice, Nebraska. M.E. provided the defendant with \$5,000

1 and a handgun that was to be used for sale -- at least
2 purportedly be used for sale.

3 The money was provided by M.E. to defendant in furtherance
4 of the scheme and artifice to defraud regarding the alleged
5 sale of the purported coin. M.E. traveled from Hiawatha,
6 Kansas to Beatrice, Nebraska in interstate commerce.

7 That is what the evidence would show, Your Honor.

8 THE COURT: Ms. Milburn, do you agree if this case
9 went to trial that evidence would go before a jury?

10 MS. MILBURN: I do agree.

11 THE COURT: Ms. Boswell, did you listen as the
12 government described the evidence against you?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Is everything that Mr. Russell said true?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Do you know Aubrey Trail?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Did you, starting in February of 2017,
19 assist him in a scheme or scam to get money from a person whose
20 initials are M.E. and another person, B.E., both of whom are
21 from Kansas?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Was the scam that you were assisting him
24 in trying to get money for a gold coin that Mr. Trail said was
25 worth a lot of money but wasn't really worth that much?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Were you serving in that capacity by
3 setting up false documents and websites to make it appear like
4 a legitimate transaction?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Do you agree that websites are a means of
7 conveying information across state lines?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And do you agree that the information you
10 were placing on those websites was false?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Was the purpose of your conduct to act as
13 the alleged broker in trying to get money out of these people
14 for a coin that wasn't worth that much?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Were you trying to get the money for your
17 own purposes and that of Mr. Trail's?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Going to October 20th of 2017
20 specifically, on that date did you travel to Beatrice,
21 Nebraska?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: And did you meet up with somebody, in this
24 case M.E., who crossed from Hiawatha, Kansas into Nebraska to
25 give you \$5,000 and a handgun for sale?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Was the \$5,000 part of the scheme to
3 defraud and get money for a coin that wasn't worth much?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Did you know when you were doing this that
6 the coin wasn't worth what Mr. Trail was saying it was worth?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Anything else?

9 MR. RUSSELL: Your Honor, I -- I think that the -- the
10 defendant should be asked, on October 20th did they induce M.E.
11 to travel from Kansas to Beatrice, Nebraska for the purpose of
12 giving her \$5,000.

13 THE COURT: Okay. Thank you. All right.

14 Ms. Boswell, what did you do to get this gentleman or
15 person from Kansas into Nebraska?

16 THE DEFENDANT: I did nothing. I just went there
17 because Aubrey told me to go.

18 THE COURT: Okay. And with respect to that, did you
19 understand that he was -- this person was coming into Nebraska
20 to give you \$5,000 and a handgun for Mr. Trail?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: And did you, as part of that process,
23 assist with that?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: And did you, as you were assisting with

1 that, contact or have Mr. Trail contact M.E. from Kansas and
2 pull them into Nebraska to get this transaction done?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Anything else, Mr. Russell?

5 MR. RUSSELL: No, Your Honor.

6 THE COURT: All right. Ms. Milburn?

7 MS. MILBURN: Nothing further.

8 THE COURT: All right. Mr. Russell, do you believe
9 the guilty plea is knowing, intelligent and voluntary and that
10 there is a factual basis for it?

11 MR. RUSSELL: Yes, Your Honor.

12 THE COURT: Ms. Milburn, do you agree?

13 MS. MILBURN: I agree.

14 THE COURT: Ms. Boswell, do you want this Court to
15 accept your plea of guilty?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Do you have any questions of me before I
18 proceed?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: Just one moment. To the charge that on
21 October 20th of 2017, while in Nebraska, you, along with Aubrey
22 Trail, did cause and induce a person whose initials are M.E. to
23 travel from Kansas to Nebraska for the purposes of carrying out
24 a scheme to defraud -- in this case a scheme to defraud this
25 person from Kansas out of money for the sale of a coin that

1 wasn't worth much, or brokering such sale, and that you at that
2 time did receive \$5,000 along with a handgun for the purported
3 resale, what do you plead?

4 THE DEFENDANT: Guilty.

5 THE COURT: I do find that your guilty plea is
6 knowing, intelligent and voluntary and that there is a factual
7 basis for it. I will recommend to Judge Gerrard that he accept
8 your plea of guilty. I will also recommend that he accept your
9 plea agreement. He'll take up the issue of your plea agreement
10 at the time of sentencing. We're looking at a sentencing date
11 of August 3rd at 9:00 a.m. Does that work for everyone?

12 MR. RUSSELL: Yes, Your Honor.

13 MS. MILBURN: Yes, Your Honor.

14 THE COURT: Is there anything else we need to take up?

15 MR. RUSSELL: No, Your Honor.

16 MS. MILBURN: Not today, Your Honor.

17 THE COURT: We are in recess.

18 (9:24 a.m., recessed.)

19 I, Vicki L. Jarchow, Transcriber, certify that the
20 foregoing is a correct transcript from the official electronic
21 sound recording of the proceedings in the above-entitled
22 matter.

23
24 Vicki L. Jarchow

May 21, 2018

25 Date